

**Introduced by Senator Dutton**February 22, 2008

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An act to amend Section 538d of the Penal Code, relating to peace officers.

## LEGISLATIVE COUNSEL'S DIGEST

SB 1655, as introduced, Dutton. Peace officers: impersonation.

Existing law makes it a crime for a person, who is not a peace officer, to impersonate a peace officer, as specified.

This bill would make a nonsubstantive change to that provision.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 538d of the Penal Code is amended to  
2     read:  
3     538d. (a) Any person other than one who by law is given the  
4     authority of a peace officer, who willfully wears, exhibits, or uses  
5     the authorized uniform, insignia, emblem, device, label, certificate,  
6     card, or writing, of a peace officer, with the intent of fraudulently  
7     impersonating a peace officer, or of fraudulently inducing the  
8     belief that he or she is a peace officer, is guilty of a misdemeanor.  
9     (b) (1) Any person, other than ~~the~~ one who by law is given the  
10    authority of a peace officer, who willfully wears, exhibits, or uses  
11    the badge of a peace officer with the intent of fraudulently  
12    impersonating a peace officer, or of fraudulently inducing the  
13    belief that he or she is a peace officer, is guilty of a misdemeanor  
14    punishable by imprisonment in a county jail not to exceed one

1 year, by a fine not to exceed two thousand dollars (\$2,000), or by both that imprisonment and fine.

(2) Any person who willfully wears or uses any badge that falsely purports to be authorized for the use of one who by law is given the authority of a peace officer, or which so resembles the authorized badge of a peace officer as would deceive any ordinary reasonable person into believing that it is authorized for the use of one who by law is given the authority of a peace officer, for the purpose of fraudulently impersonating a peace officer, or of fraudulently inducing the belief that he or she is a peace officer, is guilty of a misdemeanor punishable by imprisonment in a county jail not to exceed one year, by a fine not to exceed two thousand dollars (\$2,000), or by both that imprisonment and fine.

(c) Any person who willfully wears, exhibits, or uses, or who willfully makes, sells, loans, gives, or transfers to another, any badge, insignia, emblem, device, or any label, certificate, card, or writing, which falsely purports to be authorized for the use of one who by law is given the authority of a peace officer, or which so resembles the authorized badge, insignia, emblem, device, label, certificate, card, or writing of a peace officer as would deceive an ordinary reasonable person into believing that it is authorized for the use of one who by law is given the authority of a peace officer, is guilty of a misdemeanor, except that any person who makes or sells any badge under the circumstances described in this subdivision is subject to a fine not to exceed fifteen thousand dollars (\$15,000).

(d) (1) Vendors of law enforcement uniforms shall verify that a person purchasing a uniform identifying a law enforcement agency is an employee of the agency identified on the uniform. Presentation and examination of a valid identification card with a picture of the person purchasing the uniform and identification, on the letterhead of the law enforcement agency, of the person buying the uniform as an employee of the agency identified on the uniform shall be sufficient verification.

(2) Any uniform vendor who sells a uniform identifying a law enforcement agency, without verifying that the purchaser is an employee of the agency, is guilty of a misdemeanor, punishable by a fine of not more than one thousand dollars (\$1,000).

(3) This subdivision shall not apply if the uniform is to be used solely as a prop for a motion picture, television, video production,

- 1 or a theatrical event, and prior written permission has been obtained
- 2 by the identified law enforcement agency.

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